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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/544,365	08/03/2005	Asger Gramkow	GRP-0131	9754
23413 7590 06/21/2007 CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			EXAMINER TRETTEL, MICHAEL	
			ART UNIT 3673	PAPER NUMBER
			MAIL DATE 06/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/544,365	<b>Applicant(s)</b> GRAMKOW ET AL.	
	<b>Examiner</b> Michael Trettel	<b>Art Unit</b> 3673	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 August 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 33-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>08/03/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 33-40, 45-48, and 53-58 are rejected under 35 U.S.C. 102(b) as being anticipated by Campbell (US 5,708,993). Campbell shows a patient transporter device 10 that includes a frame 12, a lift mechanism 14, a chair 18, and a drive assembly 16 that can move the device 10 across a floor surface. The vertical lift mechanism 14 is attached to the frame adjacent the drive assembly 16 and includes a lift arm 24 that can lift a patient out of the chair 18. A pair of forwardly projecting legs 33, 35 are attached to a frame bracket 26 and include a pair of wheels 38, 40. The drive assembly 16 includes a drive wheel 68, a drive motor 74, a vertically pivoted wheel mount 70, a tiller 76, and a drive control formed as a handgrip 78 mounted to the tiller. A bracket 64 acts as a mount for the drive assembly. An operator of the device can rotate the drive wheel through a 360 degree range of motion by rotating the tiller while simultaneously operating the handgrip to rotate the drive wheel. The device can therefore be driven in a forward direction, or alternately in a direction 90 degrees to one side by rotating the tiller. The tiller can be considered as forming a user interface for operating the drive assembly 16.

Claims 33-40, 43-51, and 53-61 are rejected under 35 U.S.C. 102(b) as being anticipated by VanDyke et al (US 5,578,371). VanDyke et al shows an invalid transporter and handling device that comprises a wheel supported housing 6 that supports a seat 15 and a vertically oriented crane used for lifting an invalid from the seat. The housing includes a pair of arms 58 that have freely rotating castors 35 mounted at their ends. Motive wheels 9 are mounted to the underside of the housing and provide both a means for driving and steering the device across a surface. The wheels 9 are mounted upon a pair of vertical pivot sleeves 32 that have gear sprockets 13 attached to the upper ends. A drive chain 61 is operated by an actuator sprocket 92 to turn the sprockets 13 and sleeves 11 which in turn rotates the wheels 9 through a desired angle setting. This steers the device as needed, read column 8 lines 15-22 for a description of the steering angles used. The wheels 9 are also power driven by means of a vertically arranged drive shaft 11 placed within each sleeve 32. The drive shaft includes a bevel gear 24 at a bottom end which engages a complementary bevel gear 72 attached to each wheel 9. A gear sprocket 46 is attached to the upper end of the shaft 11, the sprockets are operated by a drive chain 60 which is shown schematically in Figure 6. Rotation of the sprockets 46 by the chain 60 provides motive power to the wheels 9 and allow a user to drive the transporter across a floor surface. Note that the turning and driving operation is controlled by an interface shown in Figure 7 and described in column 8, lines 52-61, column 13, lines 41-67, and column 14.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3673

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 41, 52, and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over VanDyke et al in view of Huang (US 6,857,144). Huang shows a patient transporter that includes a wheeled base portion 1 that has a pair of front arms 2 that include freely rotating castors 21 that allow the device to be moved across a surface. The arms 2 are pivotally mounted to the base 1 upon pivots 111, and can be moved transversely with respect to the pivots 11 by an actuator mechanism 3 shown in Figure 2. This allows the overall width of the invalid lift to be adjusted so as to allow a user to collapse the device as needed. It would have been obvious to the skilled artisan to have included this teaching in the invalid lift/transporter shown by VanDyke et al, since this would allow a user to collapse the overall width of the base of the transporter.

### ***Conclusion***

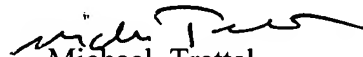
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Simon et al (US 6,026,523), Carey (US 5,892,180), and Aubert (US 4,704,749) show invalid lifts which are of particular interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Trettel whose telephone number is (571) 272-7052. The examiner can normally be reached on Monday, Tuesday, Thursday, or Friday from 7.30 am to 5.00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle, can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Michael Trettel  
Primary Examiner  
Art Unit 3673